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Chief Legal Officer

February 5, 2019

VIA ELECTRONIC FILING

Jocelyn G. Boyd, Esquire
Chief Clerk & Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

RE: Application of Walter Chambers d/b/a W & S Transportation for a Class C (Non-Emergency) Certificate of Public Convenience and Necessity for Operation of Motor Vehicle Carrier
Docket No. 2019-46-T

Dear Ms. Boyd,

On January 22, 2019 the Applicant in the above referenced docket filed an Application for a Class C (Non-Emergency) Certificate of Public Convenience and Necessity. Included in the Application was a proposed tariff in which the Applicant proposed a higher tariffed rate for wheelchair bound passengers. On January 30, 2019 the Public Service Commission (“Commission”) issued a directive in requesting that the Office of Regulatory Staff (“ORS”) “investigate whether this proposed tariff provision comports with the Americans with Disabilities Act Regulations as administered by the Federal Transit Administration Office of Civil Rights.”

In order to research this request, ORS contacted LogistiCare Solutions, LLC. Logisticare is contracted through the South Carolina Department of Health and Human Services (“SCDHHS”). SCDHHS provides assistance with transportation for members that need help getting to and from most Medicaid covered services. LogistiCare is the statewide Non-Emergency Medical Transportation (“NEMT”) Broker that is responsible for taking transportation reservations and arranging transportation with a qualified transportation provider. As such, Logisticare is intimately familiar, and must comply with, the Americans with Disabilities Act (“ADA”).

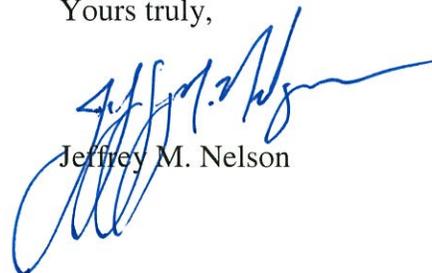
Letter-Jocelyn G. Boyd
Page 2 of 2
February 5, 2019

Additionally, ORS has a close working relationship with Logisticare to ensure that their contracted carriers are properly certificated and in compliance with South Carolina law.

Both LogistiCare's South Carolina administrator and legal counsel verified for ORS that the ADA does not deal specifically with pricing or safety, only accessibility. Therefore, charging a higher rate for a wheelchair accessible vehicle does not violate the ADA. Additionally, as the PSC requires maximum rates in passenger carrier applications, ORS is unsure as to whether or not the Applicant will actually be charging higher rates for wheelchair bound passengers. There are also multiple carriers currently certificated by the PSC that have tariffed rates which are similar to those presented in this Application. Finally, LogistiCare's rates are structured similar to those stated in this Application. Logisticare asserts that wheelchair reimbursements are higher than ambulatory since drivers need to recoup their additional cost of providing wheelchair transportation and claim that this is common practice for all brokers throughout the country. For instance, a wheelchair van may carry 4 wheelchairs and 2 ambulatory patients. The wheelchairs would all be charged higher rates.

In conclusion, ORS believes that the rates proposed in the present application do not violate the ADA.

Yours truly,



Jeffrey M. Nelson

cc: Joseph Melchers, Esquire (via E-mail)